



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **FUNGI RESISTANT ASPHALT AND ASPHALT SHEET MATERIALS**

the specification of which was filed March 15, 2004 as U.S. Serial No. 10/801,733.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim:

Any foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s): None

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information that is material to patentability as defined in

37 CFR 1.56 which became available between the filing of the prior application and the national or PCT international filing date of this application:

Prior Application(s):           U.S. Serial No. 10/703,130 filed November 6, 2003;  
                                      U.S. Serial No. 10/465,311 filed June 19, 2003;  
                                      U.S. Serial No. 10/394,134 filed March 20, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint: Robert D. Touslee, Registration No. 34,032, who has as a mailing address Johns Manville, 10100 West Ute Avenue, Littleton, Colorado 80127 my attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith, all correspondence to be directed to Robert D. Touslee, Johns Manville, 10100 West Ute Avenue, Littleton, Colorado 80127.

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